

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON

JENNIFER LACE GIESEKE,

Plaintiff,

v.

CIVIL ACTION NO. 2:14-CV-29994

**CAROLYN W. COLVIN,
Acting Commissioner of Social Security,**

Defendant.

PROPOSED FINDINGS AND RECOMMENDATION

Currently pending before the court is Defendant's Motion for Remand, filed June 2, 2015 (ECF No. 21). In the Motion, Defendant seeks an order remanding this action pursuant to the fourth sentence of 42 U.S.C. § 405(g). Defendant asserts that remand is necessary because Plaintiff's case would benefit from further evaluation of Plaintiff's claim of disability during the relevant period. Upon remand, the Appeals Council will vacate the August 12, 2013, decision of the Administrative Law Judge (ALJ). Thereafter, the Commissioner will refer Plaintiff's case to an ALJ for further development of the record, a new hearing and a new decision. Defendant further requests that the court enter final judgment by separate order that ends the civil action in accordance with Rule 58 of the Federal Rules of Civil Procedure. Plaintiff has not responded to Defendant's Motion for Remand.

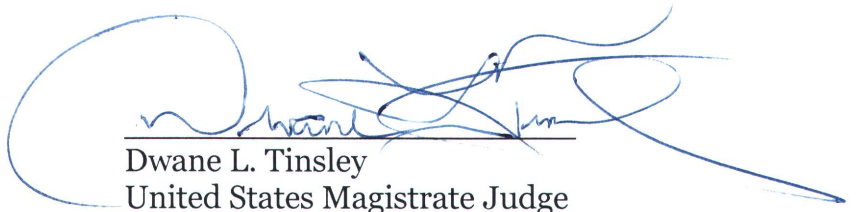
For the reasons set forth above, it is hereby respectfully **RECOMMENDED** that the presiding District Judge **GRANT** the Defendant's Motion for Remand (ECF No. 21), **REMAND** this case for further proceedings pursuant to the fourth sentence of 42 U.S.C. § 405(g), **ENTER** final judgment and **DISMISS** this matter from the court's docket.

The parties are notified that this Proposed Findings and Recommendation is hereby **FILED**, and a copy will be submitted to the Honorable Thomas E. Johnston. Pursuant to the provisions of Title 28, United States Code, Section 636(b)(1)(B), and Rules 6(e) and 72(b), Federal Rules of Civil Procedure, the parties shall have ten days (filing of objections) and then three days (mailing/service) from the date of filing this Proposed Findings and Recommendation within which to file with the Clerk of this court, specific written objections, identifying the portions of the Proposed Findings and Recommendation to which objection is made, and the basis of such objection. Extension of this time period may be granted for good cause shown.

Failure to file written objections as set forth above shall constitute a waiver of *de novo* review by the District Court and a waiver of appellate review by the Circuit Court of Appeals. *Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *Thomas v. Arn*, 474 U.S. 140, 155 (1985); *Wright v. Collins*, 766 F.2d 841, 846 (4th Cir. 1985); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). Copies of such objections shall be served on opposing parties, Judge Johnston, and this Magistrate Judge.

The Clerk is directed to file this Proposed Findings and Recommendation and to transmit copies to counsel of record and via U. S. Mail to Eddy Pierre Pierre, Esquire, Suite 520, 60 East 42nd Street, New York, NY 10165 and Plaintiff, Jennifer Lace Gieseke, #10, 1100 19th Street, Vienna, WV 26105.

Date: October 9, 2015.



Dwane L. Tinsley
United States Magistrate Judge